

UNITED STATES DISTRICT COURT OF THE UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF NEW YORK

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DELKA PAREDES,

COMPLAINT

Plaintiff,

FILE No.:

- against -

UNITED STATES OF AMERICA and SOCIAL SECURITY
ADMINISTRATION and GENERAL SERVICES
ADMINISTRATION and 55 FEE LLC and COGSWELL
REALTY GROUP LLC

Defendants

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Plaintiff, as and for her Complaint, complaining of the
Defendants, by her attorneys, MORRISON & WAGNER, LLP, alleges and
states as follows:

JURISDICTION AND PARTIES

1. Original jurisdiction herein is founded upon 28
U.S.C. Section 1332 (a)(1) in that plaintiff DELKA PAREDES was
and still is a resident of the County of NEW YORK and State of
New York and that co-defendants, United States of America, is the
Federal governmental entity which formed and authorized the
existence of the co-defendants, Social Security Administration,
which is an agency of the United States federal government that
administers Social Security and which Social Security
Administration was established by 42. U.S.C. Section 901 and the

General Services Administration and that such agencies function under the supervision and auspices of the federal government of the United States of America and which jurisdiction is invoked under the Federal Torts Claims Act.

2. The United States District Court has original jurisdiction over this action pursuant to Federal Torts Claims Act and 28 U.S.C. Sections 1346 and 2408.

VENUE

3. Venue is properly laid in the Southern District of New York under United States Code Section 1391 (a), this being the District in which the claim arose.

4. The matter in controversy exceeds the sum of \$75,000.00 exclusive of costs and interest.

JURY DEMAND

5. Plaintiff respectfully requests a trial by jury of all issues in this matter pursuant to Federal Rules of Civil Procedure 38(b).

FACTS

6. Upon information and belief, that at all times Hereinafter mentioned, the Co-Defendant, UNITED STATES OF AMERICA is the Federal Government entity that authorizes and empowers the existence of the co-defendants, Social Security Administration and General Services Administration , and that the Social Security Administration and General Services Administration function as agencies of the federal government of the United States of America.

7. That at all times hereinafter mentioned, the co-defendants UNITED STATES OF AMERICA and Social Security Administration and General Services Administration occupied the premises located at 55 West 125th Street, New York, New York in the County of New York and State of New York. (Hereinafter, "the premises")

8. That at all times herein mentioned, the Co-Defendants, UNITED STATES OF AMERICA and Social Security Administration and the General Services Administration (Hereinafter, "the co-defendants") by its agents, servants and/or employees, operated the aforesaid premises.

9. That at all times hereinafter mentioned, 55 FEE LLC is an entity formed and existing pursuant to the laws of the State of New York.

10. That at all times hereinafter mentioned, co-defendant COGSWELL RETAY GROUP LLC is an entity duly formed pursuant to the laws of the State of New York.

11. That at all times herein mentioned, the Co-Defendants, by its agents, servants and/or employees, managed and owned and occupied the aforesaid premises.

12. That at all times herein mentioned, the Co-Defendants, by its agents, servants and/or employees, maintained the aforesaid premises.

13. That at all times herein mentioned, the co-defendants, by its agents, servants and/or employees, controlled the aforesaid premises.

14. That at all times herein mentioned, the co-Defendants, by its agents, servants and/or employees, supervised the aforesaid premises.

15. That at all times herein mentioned, the co-Defendants,

by its agents, servants and/or employees, repaired and maintained the aforesaid premises.

16. That at all times herein mentioned, the Co-Defendants, by its agents, servants and/or employees, had a duty to properly manage, maintain, control, supervise and repair the aforesaid premises.

17. That at all times herein mentioned, the Co-Defendants by its agents, servants and/or employees, failed to properly manage, maintain, control, supervise and repair the aforesaid premises.

18. That at all times herein mentioned, that the aforementioned co-Defendants by its agents, servants and/or employees, operated, maintained, supervised, inspected, controlled and had a duty to keep and maintain the premises in a safe condition for pedestrian to traverse.

19. That at all times herein mentioned, the co-Defendants by its agents, servants and/or employees allowed the aforesaid premises to remain in a dangerous, broken, defective, cracked, wet and/or hazardous condition.

20. That at all times herein mentioned, the co-Defendants by its agents, servants and/or employees, caused and/or permitted a dangerous condition to exist and remain at the aforesaid premises.

21. That at all times herein mentioned, that the Co-Defendants by its agents, servants and/or employees, failed to properly keep and maintain the aforesaid premises.

..... 22. That on the 23rd day of April 2013, Plaintiff was traversing across the interior floor of the hallway occupied by the co-defendants at the premises at 55 West 125th Street, New York, New York and was caused to sustain serious and severe personal injuries as a result of a trip and fall at the aforesaid location.

23. That solely by reason of the negligence, recklessness and carelessness of the Co-Defendants, its agents, servants, and/or employees as aforesaid, Plaintiff, became sick, sore, lame, bruised and disabled; received serious permanent and severe injuries in and about diverse parts of her person; experienced great pain and suffering and continues to suffer from said injuries, that said Plaintiff, has been informed and verily believes said injuries to be a permanent nature and Plaintiff is and will be incapacitated for a long period of time, and Plaintiff

was compelled to and did seek medical aid, attention and treatment and care and will be compelled to do so in the future and Plaintiff, was in other ways damaged.

24. That the occurrence was caused solely by the negligence, recklessness, and carelessness of the Co-Defendants, its agents, servants, and/or employees, in its ownership, operation, management, maintenance, inspection, supervision, repair and control of the aforesaid location and without any negligence on the part of the Plaintiff contributing thereto.

25. This action falls within one or more of the exceptions set forth in Article 16 of the CPLR.

26. That plaintiff prior to the commencement of this action did serve upon the co-defendant United States of America a Notice of Claim.

27. That on or about February 10, 2015 the co-defendants United States of America demurred in writing to the plaintiff's Notice of Claim, and thereby rendering the plaintiff eligible to commence suit as against the United States of America and so this lawsuit is therefore timely and procedurally proper under 28 U.S.C Sections 2401(b) and 39 CFR 912.9(a)

WHEREFORE, the Plaintiff demands judgment against the Co-Defendants, in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction and said amount is to be determined by this Honorable Court all together with the costs and disbursements of this action.

Dated: New York, New York
August 4, 2015


Stuart Wagner, ESQ.
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